

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 NATIONSTAR MORTGAGE, LLC,

5 Plaintiff,

6 v.

7 SUNDANCE HOMEOWNERS
8 ASSOCIATION and JACKEL
9 PROPERTIES, LLC,

10 Defendants.

Case No. 2:15-cv-01310-APG-GWF

**ORDER SETTING JURISDICTIONAL
DISCOVERY PERIOD AND BRIEFING
SCHEDULE TO SHOW SUBJECT
MATTER JURISDICTION**

11 The complaint does not allege the citizenship of the members of defendant Jackel
12 Properties, LLC. *See Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir.
13 2006) (stating that “an LLC is a citizen of every state of which its owners/members are citizens”).
14 As the party seeking to invoke this Court’s jurisdiction, plaintiff Nationstar Mortgage, LLC bears
15 the burden of establishing jurisdiction. *See Naffe v. Frey*, 789 F.3d 1030, 1040 (9th Cir. 2015). I
16 therefore ordered Nationstar to show cause why this action should not be dismissed for lack of
17 subject matter jurisdiction. ECF No. 29.

18 Nationstar responded that it can allege citizenship on information and belief. Nationstar
19 also argues that Jackel would likely reveal its citizenship in response to the show cause order.
20 Finally, Nationstar requests jurisdictional discovery. Jackel did not respond to the order to show
21 cause.

22 I grant Nationstar’s request for jurisdictional discovery. The parties have until July 29,
23 2016 to conduct jurisdictional discovery. No later than August 5, 2016, Nationstar must file a
24 brief and present evidence proving by a preponderance of the evidence that on the date of
25 removal the parties in this case were diverse and the amount in controversy exceeded \$75,000.
26 *See Rea v. Michaels Stores Inc.*, 742 F.3d 1234, 1237 (9th Cir. 2014) (amount in controversy is
27 determined from facts as they exist at time of removal); *Sanchez v. Monumental Life Ins. Co.*, 102
28

1 F.3d 398, 403 (9th Cir. 1996) (removing defendant bears the burden of proving jurisdiction by a
2 preponderance of the evidence).

3 IT IS THEREFORE ORDERED that the parties may conduct jurisdictional discovery
4 from the date of this order until July 29, 2016. This order does not stay any other discovery,
5 which remains subject to Magistrate Judge Foley's May 25, 2016 Order. ECF No. 44.

6 IT IS FURTHER ORDERED that no later than August 5, 2016, Nationstar shall file a
7 brief and present evidence proving by a preponderance of the evidence that diversity jurisdiction
8 exists in this case. Any other party may file a response brief within 14 days of service of
9 Nationstar's brief. Nationstar may file a reply within seven days thereafter.

10 IT IS FURTHER ORDERED that the dispositive motion deadline is extended to 30 days
11 after my ruling on the jurisdictional issue.

12 DATED THIS 27th day of May, 2016.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE